

## REMARKS

Claims 6, 8-11, 13-15, 20, and 23-25 are pending in the application. Reconsideration and allowance of Applicant's claims are respectfully requested in view of the following remarks.

Claims 6, 9-11, 14, 15, 20, 24, and 25 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,721,334 to Ketcham et al. ("Ketcham") in view of U.S. Patent No. 7,274,711 Kajizaki et al. ("Kajizaki"). This rejection is respectfully traversed.

Applicant's claim 6 recites, among other things, "an aggregation module for receiving the plurality of data packets from the buffer manager and **aggregating** at least **two data packets having** a same destination address and **identical quality of service information** among the plurality of received data packets to form a single aggregated packet." In addition, Applicant's claim 11 recites, among other things "**aggregating**, by an aggregation module of the communications apparatus, at least **two data packets having** a same destination address and **identical quality of service information** among the plurality of received data packets." Finally, Applicant's claim 20 recites, among other things, receiving a plurality of data packets and quality of service information associated with the packets, each of the data packets comprising a destination address and length information; and **aggregating** at least **two data packets having** the same destination address and **identical quality of service information** among the plurality of received data packets. Ketcham is silent with regard to at least these features of Applicant's claims 6, 11, and 20, respectively.

Ketcham provides a system and method for a packet-based network using aggregate packets. Ketcham describes determining which network devices support aggregate packets. If a first packet is received on a route that supports aggregate packets, it is then held for a short period. During this short period, if an additional packet is received that shares at least one common route element that also supports aggregate packets with the first packet, the first packet and the additional packet are combined into a single larger aggregate packet.

However, Ketcham does not describe aggregating at least two data packets having a same destination address and identical quality of service information from among the plurality of

received data packets to form a single aggregated packet. In fact, Ketcham is silent with regard to quality of service being used during aggregation.

The action provides Kajizaki as allegedly providing this feature. Kajizaki describes a network relay apparatus and a method of combining packets in a network in which, as in the Internet Protocol (IP), packet size is variable in length and maximum transmission unit (MTU) size for the network is predetermined primarily according to the physical medium and communication standard. Communications are performed by the network relay apparatus or router that controls transmission paths.

The Action points to a section of Kajizaki at col. 7 describing an example in which it is determined whether packets may be combined by checking an attribute of the packet to be transmitted and performing path selection based on the network condition. In particular, FIG. 18 of Kajizaki shows the processing flow in the routing processing unit when a packet to be transmitted is received from the disassembling unit. The routing processing unit extracts a "D bit" from the Type of Service field, and examines whether it indicates normal delay (value: 0) or low delay (value: 1). If it indicates low delay, the packet is recognized as being a priority packet, and the packet is not combined, and the packet is sent directly to the transmit driver. If the D bit indicates normal delay, the packet is recognized as being a non-priority packet, and the packet is sent to the combining unit.

However, Kajizaki does not describe aggregating packets having identical quality of service information. All that Kajizaki describes is combining non-priority packets. However, this does not mean that the combined non-priority packets have identical quality of service information. At best this may be one parameter that factors into or relates to quality of service of a session, but it does not address other information, such as one or more of a required bit rate, delay, jitter, packet dropping probability and/or a bit error rate that may be necessary for the quality of service for a particular session. Therefore, Kajizaki does not describe aggregating packets having "identical" quality of service information and does not provide for the deficiencies of Ketcham noted above.

It is respectfully submitted that the proposed combination of Ketcham and Kajizaki fails to describe or suggest all of the elements of Applicant's claims 6, 11, and 20 and therefore does not establish a *prima facie* case of obvious under Section 103 with regard to claims 6, 11, and

20. Claims 9, 10, 14, 15, 20, 24, and 25 depend from claims 6, 11, and 20, respectively, and are allowable for at least the reasons given above for claims 6, 11, and 20. Therefore, it is respectfully requested that the rejection of claims 6, 9-11, 14, 15, 20, 24, and 25 be reconsidered and withdrawn.

Claims 8, 13, and 23 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ketcham in view of Applicant's alleged admitted prior art of Fig. 2. This rejection is respectfully traversed.

Claims 8, 13, and 23 depend from claims 6, 11, and 20, respectively. It is respectfully submitted that Applicant's admitted prior art does not provide for any of the deficiencies of Ketcham noted above with respect to claims 6, 11, and 20, and that these claims are believed to be allowable for at least the reasons given above for claims 6, 11, and 20.

As a result, the proposed combination fails to describe or suggest all of the elements of Applicant's claims 8, 13, and 23 therefore does not establish a *prima facie* case of obviousness under Section 103 with regard to claims 8, 13, and 23. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

It is respectfully submitted that all claims are in condition for allowance, and early notice of the same is respectfully solicited. If any questions remain, the Examiner is invited to contact Applicant's representative at the telephone number listed above.